The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Status Design
4 Princes Street
Holbeach
SPALDING
Lincolnshir
PE12 7BB

Your Ref: 771664

S.H.D.C. PLANNING DEPT.
RECEIVED
10 DEC 1992
Attention of
DPO NRM
DOPO BS
ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
by

Our Ref: T/APP/A2525/A/92/211355/P5

Date: -8 DEC 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: DEREK BROWN
APPLICATION NO: HO9/0914/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the South Holland District Council to refuse planning permission in respect of an application for the erection of a house on land at Damgate Road, Holbeach, Spalding. I held a Hearing into the appeal on 18 November 1992.

2. From the evidence that I have heard and read, I consider that the main issues for me to decide are whether the development would result in an unacceptable loss of agricultural land and harm to the character and appearance of the locality, having regard to the objectives of the Council's planning policies.

3. The appeal site lies outside an Interim Boundary of Development which has been drawn around Holbeach and the Council states that it is therefore subject to Policy 7A of the Lincolnshire Structure Plan - Amendment No.1. That policy provides that new residential development will normally only be permitted in open countryside where there is an essential need to house farm or forestry workers near to their place of work. The written statement accompanying the Policy says that its intention is to implement Government advice that new housebuilding in such locations should be carefully controlled in the interests of preserving the countryside and protecting the best agricultural land.

4. You argue however, that the Council's contention that the site is in open countryside is unjustified. It occupies 0.45ha of what was once a nursery, but it is on the outskirts of Holbeach and there is already other housing nearby, including a recent residential development to the west and a large, modern bungalow on the opposite side of Damgate Road. You also say that the site is well screened by established

. In my opinion, those are also material considerations and they indicate to me that the crux of the case is the likely impact on the locality of a development of the scale of that proposed, rather than whether development should take place at all.

11. The house would have a curtilage of about 0.45ha and the building itself would be of two storeys with a triple garage and a total floor area of about 400sq m.

12. The Council says that it would be a considerably larger than the very modest bungalow which once stood on the site in an albeit ill-defined curtilage and would be incompatible with the proportions of other dwellings in the vicinity and with the local rural scene. You, on the other hand, argue that the size of the house is dictated by the requirements of your client's family, that it would be well screened and that it would occupy no more than 20% of a site which is not significantly larger than the 0.29ha curtilage of the 1989 permission.

13. In my opinion however, the increased size of the proposed curtilage is significant, bearing in mind that Policy 7A seeks to prevent the encroachment of residential development into the countryside. There can also be no doubt that the house and its garden would form a substantial property and, while I acknowledge the importance to your client of the needs of his family, they are not relevant to the application of a planning policy which bears equally on everyone. Furthermore, the house would be much larger than the few dwellings which are nearby and considerably more extensive than the original bungalow.

14. I do not suggest that any form of replica of that dwelling would be appropriate because the photograph submitted by the Council indicates that it was so small that it would be unlikely to meet reasonable, modern living standards. On the other hand, I consider that the present scheme would result in a residence which would be unacceptably large for its setting, both in itself and in comparison with other dwellings in the vicinity.

15. It is national planning policy, as expressed in PPG 3, that new development in rural areas should be sensitively related to the existing pattern of settlement, while PPG 1 expects development in any location to respect the scale and character of its surroundings. In this case, I do not consider that those standards would be met. I believe that, even allowing for screening, the house would inevitably appear as a discordantly prominent projection of building into the countryside on the particularly sensitive margin of a built-up area.

16. In this respect, it is also relevant to note that, while I have given weight to your argument concerning the earlier permissions, they were in outline only and all matters of

SOUTH HOLLAND DISTRICT COUNCIL

COPY

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H09/0914/91 Received:01-OCT-91 Type:FULL

Name: D Brown
30 Park Road
Holbeach
Spalding
Lincs, PE12 7EE

Agent: Status Design
4 Princes Street
Holbeach
Spalding
Lincs, PE12 7BB

Description: Erection of house

Location : Damgate Road Holbeach
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 In the opinion of the Local Planning Authority the dwelling which originally characterised the site was comparatively small and in keeping with rural character. It is therefore the further opinion of the Local Planning Authority that the replacement of this dwelling with a large four-bedroomed house with triple garage would conflict with DOE advice such as that contained within Planning Policy Guidance Note 3 which states that proposals should be well related in scale and location to existing development.

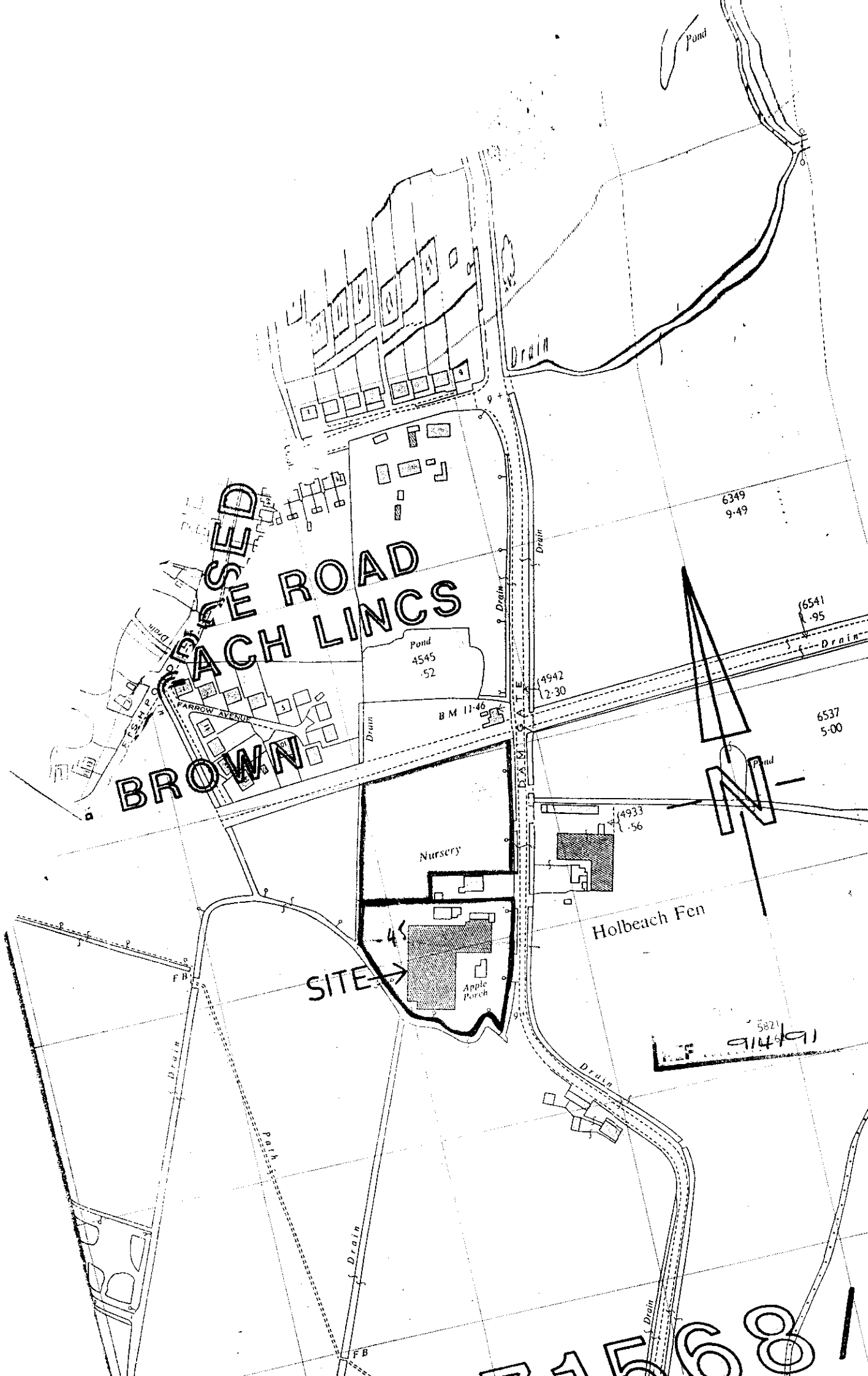
2 The size of the site now proposed is considerably larger than originally accepted by the Local Planning Authority as a curtilage for the cottage which used to exist, and as such it is the opinion of the Local Planning Authority that to permit this would conflict with the objectives of Strucutre Plan Policy 7a which aims to prevent the loss of prime agricultural land and safeguard the character of the countryside.

Director of Planning and Building Control Services
24-APR-92 H09/0914/91

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)


PROPOSED
BROWN
ACH LINCS
E ROAD
Pond
Drain
6349
9·49
6541
·95
Drain
Pond
4545
·52
4942
2·30
BM 11·46
FARROW AVENUE
DAM GATE
6537
5·00
Pond
N
4933
·56
Nursery
Holbeach Fen
SITE
Apple Porch
FB
Drain
Path
Drain
Drain
Drain
Drain
Drain
F 9144/91
F15681

hedgerows which would be retained and which distinguish it from the open, agricultural landscape to the south and south west.

5. The Interim Boundary of Development represents only an informal planning policy, but, in my opinion, it nonetheless defines a clear and quite abrupt change between the relatively compact built-up area of this part of Holbeach and adjoining countryside which includes the appeal site and in which there is only a scatter of dwellings and other buildings. The recent residential development to which you refer lies within the Boundary, while the modern bungalow is subject to an agricultural occupancy condition. I consider that the Council's description of the site's location is appropriate and that Policy 7A is therefore applicable.

6. The Lincolnshire Structure Plan is a formally approved, statutory document and it is therefore entitled to considerable weight in guiding my decision. Indeed, Section 54A of the above Act states that planning applications and appeals are to be determined in accordance with such plans, unless material considerations indicate otherwise.

7. Turning to my first issue, the Council says that the appeal site falls within grade 1 or 2 of the MAFF Agricultural Land Classification. It is therefore of the best and most versatile quality. The Council accepts that the area involved is comparatively small, but argues that the development of even minor parcels of such land should be resisted because of the cumulative effect of their loss to agriculture.

8. I can understand that concern but, in addition to being small, the site does not form part of any existing, productive holding. Furthermore, the Council has granted two outline planning permissions for the erection of a dwelling on parts of the appeal site as recently as 1988 and 1989 and has also permitted the erection of an office building and a storage building on much of the remaining area of the former nursery. In the light of those considerations, I do not believe that I would be justified in turning the proposal away because of its effect on the supply of agricultural land.

9. I also consider that the Council's decisions indicate that the erection of a house on at least part of the appeal site would be acceptable, despite the clear terms of Policy 7A. The earlier permissions have expired but they are recent and there have been no subsequent, material changes in planning policy. The Council says that they were granted on the basis that any dwelling would be used in connection with the nursery, but I do find that proposition difficult to reconcile with your assertion, which was not disputed, that the nursery has been disused for some ten to twelve years. Furthermore, the plans accompanying both applications showed that glasshouses were to be demolished and neither permission included a condition restricting occupancy.